

MANSFIELD TOWNSHIP PLANNING BOARD

**RESOLUTION MEMORIALIZING THE GRANT OF
PRELIMINARY MAJOR SUBDIVISION APPROVAL**

**ABRAM SIMOFF/MTAK ASSOCIATES, LP
BLOCK 1201, LOT 22
APPLICATION NO. 04-16**

WHEREAS, application has been by made to the Mansfield Township Planning Board by Abram Simoff/MTAK Associates, LP having a mailing address of 200 South Street, New Providence, New Jersey for the grant of preliminary major subdivision approval pursuant to N.J.S.A. 40:55-48 so as to create nine (9) new lots from Lot 22, Block 1201 on Mansfield Township Tax Map which premises are situated in the R-1 Zone District; and

WHEREAS, the application was heard and considered by the Board at its regularly scheduled meetings held on May 16, 2005, July 18, 2005, September 19, 2005, January 16, 2006, February 20, 2006, August 21, 2006 and September 18, 2006; and

WHEREAS, the applicant was represented at the hearings by his attorney Michael Lavery, Esq. (and at one meeting by Joel Kobert, Esq.) as well as by its engineer, Hal Simoff, P.E. of Simoff Engineering Associates; and

WHEREAS, in support of the application, the following documentation was submitted:

- A. Drawings generally entitled "Preliminary and Major Subdivision Plan for Airport Road Estates, Block 1201, Lot 22, Township of Mansfield, Warren County, New Jersey" prepared by Simoff Engineering Associates, latest revision dated June 29, 2006 consisting of 21 sheets;
- B. Report entitled "Environmental Impact Statement for Airport Road Estates, Block 1201, Lot 22, Township of Mansfield";

- C. Report entitled "Drainage Report for Airport Road Estates, Block 1201, Lot 22, Township of Mansfield";
- D. Report entitled "Community Impact Statement for Airport Road Estates, Block 1201, Lot 22, Township of Mansfield";
- E. Letter report dated May 22, 2006 prepared by Geoscience Services detailing permeability characteristics of detention basin;
- F. Aquifer Test Plan prepared by Geoscience Services; and

WHEREAS, during the course of the application, the Board's engineering firm, Mace Consulting Engineers, submitted various review reports of the application including reports dated January 25, 2005, June 15, 2005, July 12, 2005 and September 15, 2005, as well as numerous comment letters interspersed therein and thereafter;

NOW, THEREFORE, in connection with the applicant's presentation, documentation submitted and testimony offered, the following may be summarized as the Board's basic factual findings:

1. The site is located in the R-1 Zone on the westerly side of Airport Road opposite Section 1 of Kensington Estates. The site was previously before the Township Board of Adjustment as an ARC Development and was the subject of a civil action before the Superior Court of New Jersey, Law Division, Warren County. The matter was dismissed on October 14, 2004 with prejudice.
2. The present plans depict the existing 30.236 acre lot being subdivided into a conventional nine (9) lot, single family subdivision. Each lot will contain a minimum of three (3) acres with one of the lots containing a detention basin. All of the lots conform to the zone district's bulk standards and no variance relief is required.

Further, no waivers for residential site improvement standards (RSIS) are required. As per RSIS standards, a homeowner's association will be formed for the purpose of future detention basin maintenance. Mr. Mace noted that periodic maintenance of the detention basin will be required 4 times a year and after every 2 inch rainfall.

3. The initial plan submitted depicted excess to the site via a new cul-de-sac street from Airport Road opposite Saxton Lane. However, at the initial hearing, it was noted that the circulation plan element of the Township's Master Plan requires the proposed roadway to be extended to connect to Brantwood Terrace and the applicant's plans were amended accordingly to reflect that requirement. As a result, the right-of-way of the new road will be 52 feet (in excess of the 50 foot standard required by RSIS-N.J.A.C. 5:21-4.5). No street lights will be installed to serve the development.
4. Each of the homes will comprise 4 to 5 bedrooms and each will contain 2 or 3 car garages. Additional parking will be provided in front of each garage for an additional 2 cars in accordance with RSIS. All utilities will be underground.
5. Each residential lot will be served by an onsite well (the project site is not located in the HMUA service area). Consistent with the Township's revised ordinances, the applicant submitted an aquifer test plan that confirmed the viability of groundwater supply to the individual wells servicing the subdivision.
6. The applicant further submitted a report detailing the permeability characteristics of the detention basin which report recommended that the basin be lined with an HDPE membrane or a liner constructed of compacted, low permeability soils. The report further concluded that recharge to the groundwater from the proposed basin is not appropriate at the site.

7. The Board concluded that the applicant's design addresses stormwater management regulations regarding low impact and best management practices.
8. Each lot is to be served by an onsite septic system. The applicant submitted documentation concerning passing percolation tests and soil logs for each lot to be created.
9. All site lighting (accent lighting serving each home) will be designed to conform with Section 20-17.2C of the Mansfield Township Ordinance to eliminate any sky glow effect.
10. Appearing at the August 21, 2006 and September 18, 2006 meetings were numerous neighbors residing in the Walter Terrace neighborhood all of whom objected to the connection of Brantwood Terrace to Airport Road. Among those appearing were Al Duda, Marjorie McClintock, Helen Elliot, Merle Morse, David Stimpson, Eli Brawn, Zola and Robert Mills, Robert Mangels, Maryann Mangels, Pat Creedon, Brian Johns and Daniel and Patricia Brigante.

NOW, THEREFORE, having given due consideration of the applicant's submission, the various review reports, comments from the Board's engineer and comments and questions from the public, the application of Abram Simoff/MBAK Associates, LP is hereby GRANTED preliminary major subdivision approval so as to permit the creation of nine (9) single family dwelling lots which shall consist of the following:

<u>LOT NUMBER</u>	<u>LOT AREA</u>
22.01	130,694 sq. ft.
22.02	136,687 sq. ft.
22.03	130,692 sq. ft.

22.04	130,702 sq. ft.
22.05	130,711 sq. ft.
22.06	130,682 sq. ft.
22.07	130,685 sq. ft.
22.08	178,052 sq. ft.
22.09	130,681 sq. ft.

BE IT FURTHER RESOLVED that the Board has duly considered the comments and objections of the public appearing at August 16, 2006 meeting. However, the Board is of the belief that the extension of Brantwood Terrace to connect to Airport Road is in the Township and the public's interest both from a traffic circulation standpoint, in minimizing movements onto and off of Route 57, as well as from a safety standpoint to encourage proper traffic circulation and to facilitate access for firefighting and emergency vehicles. Further, the Board notes that the through road is depicted on the circulation plan element of the Township's Master Plan.

BE IT FURTHER RESOLVED that the grant of preliminary major subdivision approval is subject to the applicant's full and complete compliance with the following conditions which are to be deemed of the essence to the approval herewith granted and for the willful noncompliance with which the relief may be subject to modification or such other action as this Board deems appropriate:

1. The applicant shall pay and satisfy all applicable review and inspection fees and shall fully reimburse the Township of Mansfield for all of its costs and expenses incurred in the professional review of the application submitted including the cost of the preparation of this memorializing Resolution; in the event the applicant's escrow account is deficient in that regard, the applicant shall promptly replenish same upon

receipt of notification from either the Office of the Township Engineer or Township Administrator;

2. The applicant shall comply with all requirements and/or recommendations of the Planning Board Engineer in his various review reports (unless otherwise modified by action of this Board) as well as any unaddressed comments in review reports that may be rendered subsequent hereto with the applicant being advised that any particular review report of the Planning Board Engineer may not be cumulative of any and all items or issues raised in prior reports.
3. The applicant shall construct all improvements on the site including, but not limited to, proposed roadways and stormwater management structures and facilities in strict compliance with the application and the plat submitted for review and approval by this Board. Any deviation therefrom shall require the specific approval of the Township Engineer, or should he deem the deviation substantial, by subsequent application to and approval by this Board;
4. Maintenance responsibility for the detention basin located on Lot 22.08 shall be imposed upon a homeowner's association to be formed consistent with RSIS standards as set forth in N.J.A.C. 7:8-5.8; the applicant shall grant the Township of Mansfield a suitable access easement for ingress and egress to the detention facility to afford the Township the right, but not impose the obligation, of providing maintenance upon the detention facility in the event the homeowner's association fails to abide by its covenants which are to be incorporated by reference in each deed of conveyance; the Township's costs of providing any such maintenance shall be

assessed upon the homeowner's association and shall be due, payable and collectable in the same manner as real estate taxes which are assessed against the property;

5. Maintenance of the detention basin shall be at a minimum 4 times a year including such maintenance as required following each 2 inch rainfall, periodic maintenance to consist of mowing or trimming of vegetation, the removal of any debris and desiltation as and when required;
6. No construction shall occur onsite without the applicant having first submitted a utility and improvement plan as required by Mansfield Township Code Section 21-5.5, the review and approval of the Planning Board, and without having secured final major subdivision approval from this Board as required by N.J.S.A. 40:55D-50;
7. The applicant shall obtain approval, or acknowledgement of exemption, from the following third party agencies or entities:
 - A. Warren County Planning Department;
 - B. Warren County Soil Conservation District (Soil Erosion and Sediment Control Plan);
 - C. Warren County Health Department (Onsite Septic Disposal Systems and Well Permits);
 - D. Written indication from the New Jersey Department of Environmental Protection indicating either the absence of wetlands from the site (absence presence letter) or that the site is not impacted by wetlands or, if wetlands are present, a letter of interpretation.
8. The applicant shall construct the project in accordance with Residential Site Improvements Standards (N.J.A.C. 5:21-1 et. seq.).

9. The project shall be constructed in such a manner as to minimize land disturbance, wildlife disruption and, in general, compliance with the land use ordinances of the Mansfield Township Code;
10. The applicant shall enter into a developer's agreement with the Township of Mansfield acknowledging its responsibility to construct the project in accordance with the approval and conditions herewith memorialized; the form and content of the agreement shall be subject to the review and approval by both the Township Attorney, Township Engineer and Planning Board Attorney;
11. The project shall be constructed in accordance with best management practices as promulgated by the N.J.D.E.P. regarding stormwater management;
12. The preliminary major subdivision plat shall contain the following notation in accordance with Section 21-3.9 of the Mansfield Township Land Subdivision and Site Plan review ordinances:

"Potable water supply for this subdivision may be provided by individual on-lot wells. Approval of this subdivision is not based on any determination of the adequacy of the yield, recovery rate, or water quality of any well to be placed on any lot. No construction permit shall be issued for the construction of a new residential structure on this property unless the Mansfield Township Board of Health, acting through its agent the Warren County Health Department, has certified that either (a) the structure will be connected to an approved public water system, or (b) a well or wells are located and operating on the lot which have been tested and provide

sufficient yield and recovery rates to satisfy the requirements of §§BH:8-5 and BH:8-6 of The Revised General Ordinances of the Township of Mansfield, 1974.

No certificate of occupancy shall be issued for any new residence on this property unless the Mansfield Township Board of Health, acting. Through its agent the Warren County Health Department, has certified that the water supplied by the water system serving the residence has been tested and meets the water quality requirements of §BH:8-7 of The Revised General Ordinances of the Township of Mansfield, 1974.

In the event yield or recovery rates do not meet established standards, multiple wells may be required on a single lot, or the developer may be required to reconfigure the lots as shown on the preliminary plat so that each lot shall have a water system that meets established standards.

In the event the water system to be installed on any lot does not provide water which meets established quality standards, the developer or owner may be required to install and maintain water treatment devices in order to assure continued compliance with water quality standards.”

13. The applicant shall confirm the assignment of all tax lot numbers form the Office of the Mansfield Township Engineer;
14. The applicant shall prepare for the review and approval by both the Planning Board and Township Attorney, a declaration of covenants and restrictions relative to the

- homeowner's association to be formed which shall be incorporated as such within the State of New Jersey; the association shall be specifically formed to address the obligation of future maintenance of the detention facility located on Lot 22.08;
15. Until the newly constructed roadways are dedicated and accepted as public streets within the Township of Mansfield by the Mansfield Township Committee, the applicant shall be responsible for all maintenance of said roads which shall further include the obligation of snow and ice removal and salting and sanding of those roads during periods of inclement weather as required;
 16. At such time as construction commences on the site, no construction activity shall be permitted to occur on Sundays;
 17. Prior to the commencement of construction, the applicant shall coordinate a pre-construction meeting with the Mansfield Township Engineer;
 18. The applicant shall submit proof of the payment of all real estate tax imposed on the property which is the subject of this application through the date of the adoption of this memorializing Resolution;
 19. The applicant shall dedicate sight easements consistent with the requirements of the Township Engineer as set forth in his various review reports; the form and content of the Deeds of Easements for same shall be subject to the review and approval by the Township Engineer and Planning Board Attorney prior to their recording;
 20. All site lighting (access lighting serving each home) will be designed to conform with Section 20-17.2C of the Mansfield Township Ordinance to eliminate any sky glow effect;

21. The applicant shall form a homeowner's association with a specific covenant of same to address the association's obligation to undertake the required periodic maintenance of the stormwater detention basin serving the development. A copy of the Articles of Incorporation or Formation and the Restrictions and Covenants shall be provided to both the Planning Board Attorney and Township Engineer for their review and approval and a copy of same shall be filed with the Secretary of this Board to be made part of the record;
22. During construction of the development, no construction vehicles shall be permitted on Brantwood Terrace;
23. Hours of construction activity shall be limited to 8:00 a.m. to 8:00 p.m. Mondays through Fridays and 8:00 a.m. to 12:00 p.m. Saturdays; no construction activity shall be permitted to occur on Sundays.

I hereby certify the foregoing to be a true copy of the memorializing resolution adopted by the Mansfield Township Planning Board at its regular meeting held on October 16, 2006 memorializing action taken by the Board to approval preliminary major subdivision approval at its meeting held on September 18, 2006.

Those voting in favor to grant preliminary major subdivision approval:

IN FAVOR: Myers, Baldwin, Watters, Lunghi, Marchioni

OPPOSED: None

ABSTAINING: None

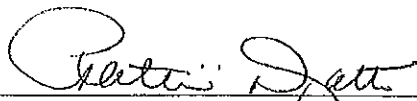
RECUSED: Hazen

Those voting to adopt form of memorializing resolution at October 16, 2006 meeting:

IN FAVOR: *Watters, Lunghi, Marchioni, Myers, Baldwin*

OPPOSED: *none*

ABSTAINING: *none*



Patricia D. Zotti, Secretary
Mansfield Township Planning Board